

1 Magistrate Judge
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04-CR-00494-PRO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
RUBEN LUIS LEON SHUMPERT,
Defendant.

} NO. CR04-494P - 495
REPORT &
RECOMMENDATION
RE: PLEA AGREEMENT
PURSUANT TO
FED. R. CRIM. P. 11(c)(1)(C)

THIS MATTER, comes before this court on Defendant's consent to proceed before a United States Magistrate Judge for presentation of a plea agreement pursuant to Rule 11, Fed. R. Crim. P. The plea agreement, once accepted, is binding on the court pursuant to Fed. R. Crim. P. 11(c)(1)(C). Accordingly this court makes the following Report and Recommendation to the sentencing Judge.

REPORT

After examining the defendant under oath, I determined the following:

- (1) that Defendant was advised of, and understands the rights set forth in Fed. R. Crim. P. 11(b)(1);
- (2) that Defendant fully understands all constitutional rights set forth in the plea agreement and the extent to which any of those rights are waived;
- (3) that the offense(s) to which Defendant has pleaded guilty are supported by a factual basis; and

(4) that Defendant's guilty plea was knowingly, intelligently, and voluntarily entered free from force, threats, or promises (other than promises set forth in the plea agreement);

Accordingly, I have ordered a presentence report.

RECOMMENDATION

This report is forwarded with the recommendation that the court defer a decision regarding acceptance of the plea agreement until the court has reviewed the presentence report pursuant to Fed. R. Crim. P. 11(c)(3)(A).

DATED this 12 day of December, 2005.

McAllister

UNITED STATES MAGISTRATE JUDGE

NOTICE

Objections to this Report and Recommendation are waived unless filed and served within ten (10) days.

28 U.S.C. § 636(b)(1)(B).